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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/212,833	12/16/1998	DANIEL E. LEWIS	TELNP0163US	7815

7590 10/23/2002

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EXAMINER

HOLLOWAY III, EDWIN C

ART UNIT

PAPER NUMBER

2635

DATE MAILED: 10/23/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

1/1/05

# Office Action Summary

Application No.

09/212,833

Applicant(s)

LEWIS, DANIEL E.

Examiner

Edwin C. Holloway, III

Art Unit

2635

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 05 July 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

***Examiner's Response***

1. In response to applicant's amendment filed 7-5-02, all the amendments to the specification and claims have been entered. The examiner has considered the new presentation of claims and applicant's arguments in view of the disclosure and the present state of the prior art. And it is the examiner's opinion that the claims are unpatentable for the reasons set forth in this Office action:

***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tuttle '174 (US 5787174) in combination with Ward (US 6064676) and/or Anders (US 4827395). Tuttle '174 discloses a remote ID system with a passive transponder or tag 4 connected to memory 3 and processor 44 shown in fig. 3. An interrogator shown in fig. 4 interrogates the can read data from using a conventional protocol such as Ethernet. See cols. 6 and 8. The memory is configured during manufacture using suitable methods for storing in the memory a unique serial number as the package is manufactured as are commonly used in making conventional Ethernet LAN transceivers which store a unique device address in col. 3 line 28 - col. 4 line 14, but does not describe wireless writing to the memory through the transponder. Ward discloses an analogous art self powered memory ID tag where a memory 111 includes RF interface

130 to communicate with an RFID tag and serial interface 150 to communicate with an attached device. An interrogator 19 reads and writes data to the tag when the connected device is not powered. Ethernet addresses can be used. See col. 2 lines 25-65, col. 4 lines 49-56 and col. 7 lines 26-36. Anders discloses an analogous art passive transceiver or transponder which can be attached to an external circuit and it's address programmed by an active transceiver or interrogator. See col. 11 lines 55-61. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have included in Tuttle '174 the writing of information from an interrogator to the memory via the tag because such is shown in Ward in order to allow wireless read and write to a device memory when the device is not operating and/or because Anders discloses this for wireless configuration of the transponder ID. The combination of Tuttle and Ward is suggested by both systems using Ethernet protocols and addresses. If programming of the network address is not clear, then such would have been obvious in view of Tuttle '174 disclosing in col. 4 lines 8-14 that the memory is programmed in the same manner as Ethernet local area transceivers, because Anders includes wireless programming of a transponder memory from an interrogator and because applicant's disclosure admits that it is well known to wirelessly program Ethernet configuration.

4. Claims 1-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tuttle '174 (US 5787174) in combination with Ward (US 6064676) and/or Anders (US 4827395) as applied above and further in view of Thompson. If it is required that the device connected to the transponder or tag include a separate transceiver then such

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would have been obvious in view of Thompson disclosing a an application module 100 in fig. 10 including a transceiver 104 and memory 184 connected to configure a device in fig. 8 including another radio transceiver 90 and processor 280. See cols. 13-16.

Although the application module is disclosed to include a battery, a passive device would have been obvious as provided in Tuttle '174, Ward and/or Anders to avoid the need to replace or recharge the battery.

### ***Response to Arguments***

5. Applicant's arguments with respect to claims 1-20 have been considered but are moot in view of the new ground(s) of rejection.


### **CONTACT INFORMATION**

Any inquiry of a general nature or relating to the status of this application should be directed to the Technology center 2600 receptionist whose telephone number is **(703) 305-4700**.

Facsimile submissions may be sent via fax number (703) 872-9314 to customer service for entry by technical support staff. Questions regarding fax submissions should be directed to customer service voice line (703) 306-0377.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Edwin C. Holloway, III whose telephone number is (703) 305-4818. The examiner can normally be reached on M-F (8:30:-5:00). If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Horabik can be reached on (703) 305-4704.

EH  
10/21/02

  
**EDWIN C. HOLLOWAY, III**  
**PRIMARY EXAMINER**  
**ART UNIT 2635**